

STATE OF WASHINGTON**OFFICE OF
INSURANCE COMMISSIONER****BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON**

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In the Matter of)	
)	
WEST AMERICAN INSURANCE)	No. D 99-103
COMPANY,)	
)	CONSENT ORDER
An Authorized Insurer)	
)	

FACTS AND STIPULATIONS

1. West American Insurance Company (hereinafter called "West American") is an authorized insurer in this state.

2. The Insurance Services Office, Inc. (hereinafter called "ISO") is a rating organization, as that term is used in RCW 48.18.100(7). ISO filed with the Office of the Insurance Commissioner, on behalf of West American, a Personal Liability and Theft form, which the OIC approved on May 1, 1997, with an effective date of August 1, 1997. Thereafter, the OIC did not receive any notice in any form from either West American or ISO that West American was not going to implement this product. Specifically, the OIC did not receive any notice of non-adoption.

3. West American did not implement the marketing of this product. Instead, it continued to sell a previous version of this form.

4. West American stipulates to the facts set forth above.

FINDINGS

1. RCW 48.18.100(7) provides that "Every member or subscriber to a rating organization shall adhere to the form filing made on its behalf by the (rating) organization." By continuing to use a

previous version of this form after August 1, 1997, West American violated this statute.

2. RCW 48.05.140(1) authorizes the Commissioner to suspend or revoke West American's certificate of authority for this violation.

3. RCW 48.05.185 authorizes, in lieu of suspension or revocation of West American's certificate of authority, the imposition of a fine in an amount not less than two hundred fifty dollars and not more than ten thousand dollars for each violation of Title 48 RCW or any regulations promulgated thereunder.

CONSENT TO ORDER

West American Insurance Company stipulates to the foregoing facts and findings by the Commissioner. It also consents to a fine in the amount of \$2500. This sum is to be paid in full within thirty days after this order is entered in Olympia, Washington. If the fine is not timely paid in full, the Insurance Commissioner will revoke the certificate of authority of West American Insurance Company, and the fine will be recoverable in a civil action brought on behalf of the Insurance Commissioner by the Attorney General, pursuant to RCW 48.05.185.

West American Insurance Company acknowledges its duty to comply fully with all the applicable laws and regulations of Washington state, including but not limited to those relating to the filing of forms and rates.

Signed this 21st day of October, 1999.

THE WEST AMERICAN
INSURANCE COMPANY

By _____

Title _____

IT IS ORDERED that pursuant to RCW 48.05.140 and RCW 48.05.185, the Insurance Commissioner imposes a fine upon the West American Insurance Company, in the amount of \$2500. This is to be paid within thirty days of the entry of this order in Olympia, Washington. If the fine is not timely paid in full, subject to the insurer's right to demand a hearing pursuant to chapter 34.05 RCW and chapter 48.04 RCW, the Insurance Commissioner shall revoke the certificate of authority of the West American Insurance Company, and the fine will be recoverable in a civil action brought on behalf of the Insurance Commissioner pursuant to RCW 48.05.185.

SIGNED AND ENTERED THIS 28th day of September, 1999.

By _____
William Kay Kirby

Assistant Deputy Insurance Commissioner